

FLOOD PLAIN PERMIT COMMITTEE MEETING
201 West Gray, Building A, Conference Room D
Monday, November 18, 2013
3:30 p.m.

Minutes

PRESENT: Shawn O’Leary, Director of Public Works
 Susan Connors, Director of Planning/Community Development
 Scott Sturtz, City Engineer
 Ken Danner, Subdivision Development Manager
 Jane Hudson, Principle Planner
 Sherri Stansel, Citizen Member
 Neil Suneson, Citizen Member

OTHERS PRESENT: Todd McLellan, Development Engineer
 Julie Shelton, Staff
 Greg Heiple, Councilmember
 Phil Hagen, Crafton Tull
 Russell Kent, MacArthur Associated Consultants
 Kyle Conaway, Sherwood Construction
 Justin Terrell, Total Beverage
 Dan Kelly, Total Beverage
 Judy Hatfield, Business Owner
 Robert Pitt, Citizen
 Hal Folmar, Citizen
 John Stinson, Citizen

The meeting was called to order by O’Leary who asked for a motion for approval of the minutes from the meeting of November 4, 2013. Motion to approve minutes by Sturtz. Seconded by Danner. Approved 7-0.

Item No. 1, Flood Plain Permit Application No. 535: O’Leary introduced Application No. 535 as a floodplain permit request from Crafton Tull to install a 24th inch diameter storm sewer pipe line along Woodcrest Creek Drive then across a vacant area just south of 2916 Woodcrest Creek Drive. McLellan introduced Hagen as the applicant and engineer for the project. McLellan explained that the location of the project is in the Woodcrest Creek floodplain and is located in the Woodland Estates subdivision. The committee was shown a location map of the area. History of the Woodcrest Estates, Section 6 subdivision was given to include that it was platted in 1974 and as part of the drainage solution for the development, a 27 inch metal corrugated pipe was installed to the west across unplatted land to drain into the Woodcrest Creek floodplain. The committee was shown a final plat entitled Woodland Estates that was filed in December 2004. This plat included abandonment of the existing pipe and installation of a new pipe with the old drainage easement being vacated and a new dedicated drainage easement on the north side of Lot 3.

McLellan informed the committee that staff was contacted by the homeowner at 3000 Woodcrest Creek Drive. The homeowner stated that there was a large metal pipe directly below the south side of her residence and informed McLellan that she was concerned about settlement issues with her foundation. Staff investigated her concerns and determined that there was a 27 inch metal pipe below the south side of the home. Further research indicated the original pipe was installed as a part of the Woodcrest Estates Section 6 development in 1974 had not been abandoned as it should have been as part of the Woodland Estates platting process. The engineer for the development suggested rerouting the storm sewer pipe at the location shown. A 20 foot drainage easement was granted by the Vineyard Homeowners Association to go across the vacant lot.

The specifications of the new storm sewer pipe were given and it was explained that the existing pipe on the south side of the property owners' home will be filled with grout and abandoned in place. The length and method of laying the pipe was noted to include that a headwall and rip rap pad will be constructed at the outlet. It was noted that the work is ongoing and pictures were shown of the current progress. Applicable ordinance sections were given to include fill restrictions and compensatory storage requirements. It was noted that a letter has been received from the engineer stating that there is no rise in the base flood elevation due to this project. Staff recommended the application for approval.

O'Leary stated that the committee's role is to determine whether the placement of the new pipe the floodplain meets the floodplain ordinance requirements. Mr. Folmar, citizen, voiced concerns about a flooding problem on his property south of the site and asked if this new change will add to his current drainage issues by moving the pipe farther upstream. Hagen addressed Folmar's concerns and assured him that this change would not have any adverse effect on his property.

Discussion ensued regarding information that the project had already started and the applicant indicated that it was an oversight and the permit should have already been obtained.. The applicant assured the committee that when it was discovered, steps were made to get the application process in place to be reviewed and to receive approval from the committee. Suneson added a comment regarding the ongoing work being done prior to the approval of the permit and asked why contour lines were not added on the map. It was verified that McLellan chose not to add this layer but could create a GIS drawing if needed. The committee looked at an additional drawing which showed the profile view of the property. Danner asked for clarification on the flow direction of the creek and how much difference in elevation there is between the existing and proposed pipes. McLellan verified it to be close to the same elevation. Stansel asked for clarification on the location of Folmar's property in reference to the new pipe location. McLellan stated Folmar's property is south and upstream of the new pipe location.

Suneson received clarification that a no rise certificate had been submitted and inquired as to whether it would be beneficial to have another engineer review the information and it was suggested by Hagen that it would not be necessary. O'Leary added that the committee could only act on what was presented to them. Additional comments were made to note if two

different opinions came in, the case would become a civil matter. Sturtz added that the applicant had proposed other alternatives and the current design was the best choice for the project. McLellan indicated that there are areas identified in the Storm Water Master Plan for Woodcrest Creek to control flooding. These projects will reduce flooding and improve storm water flow in the channel. Motion to approve by Sturtz. Seconded by Danner. Suneson abstained. Approved 6-1.

Item No. 2, Flood Plain Permit Application No. 536: O'Leary introduced Application No. 536 as a request from Sherwood Construction Company to construct a borrow pit located just east of I-35 in the Canadian River floodplain. O'Leary added that the applicant wants to excavate approximately 140,000 cubic yards of material from the I-35 / State Highway 9 Intersection ODOT project. McLellan introduced Kyle Conaway with Sherwood Construction (applicant) and Russell Kent with MacArthur and Associates, the applicant's engineer. Information was given to the committee about the ongoing ODOT Project and it was noted that South Canadian Development, LLC and Sherwood Construction have entered into an agreement to excavate the needed fill material.

McLellan showed the committee the location of the project which is approximately 500 feet east of I-35 and noted that the site will be approximately 9 acres. McLellan indicated that no fill structures or other encroachments will be located in the floodplain and the base flood elevation (BFE) will not increase as a result of this project. It was added that because materials are being removed from the floodplain, additional water storage volume will be created. A summary of the mining operation was given. McLellan stated that the mining will follow the US Army Corps of Engineers Clean Water Act guidelines and CC Environmental is determining whether there are any wetlands on the site.

Applicable Ordinance sections were reviewed to include fill restrictions and it was noted that compensatory storage will exceed what is being excavated. McLellan also confirmed that the engineer has certified that there will be no rise in the base flood elevation due to this project. Staff recommended approval pending confirmation that there are no wetlands on the site.

Russell addressed concerns regarding the need for a 404 permit. Kent stated that this falls under their Nationwide permit pending confirmation that there are no emerging wetlands on the site. Kent also stated that they have hired a professional consulting engineer to determine whether or not the site is a wetlands and that a report would be submitted on their findings.

Dan Kelly, Total Beverage, voiced concerns about how this will affect his business (National Water at the corner of 24th Avenue SW and Highway 9) as his company has a well next to the the building. Kelly added that his water well is 50 feet deep. O'Leary asked who the water well is being leased from and Kelly confirmed the location of the well site to indicate that the well is on his property. Discussion ensued about the possible impact of what the excavation project will do to their business. Suneson added that he does not see any adverse impact this project will make on his well, but recommended he contact a hydro-geologist. O'Leary voiced that the committee does not have anything to do with water rights and that he might consider contacting the Department of Environmental Quality (DEQ) or the Oklahoma Water

Resources Board (OWRB). Kelly asked if there may be another location for the pit and Conaway confirmed that this is the most economical location.

Kelly asked what liability the City would have if the committee approved the permit and his company was put out of business by the operation. O'Leary clarified the purpose of the committee is to look at the impact of the project on the floodplain. O'Leary also stated that water rights issues would have to be addressed with the OWRB. Suneson added that the OWRB has hydrologists on staff who could analyze and study the effect of excavating down 8 feet and the impact on their well.

Kelly asked if the application could be tabled. Brief discussion ensued. Judy Hatfield, business owner, asked the applicant when the project would begin and its duration and Conaway answered that the project would begin in February and take approximately 300 calendar days to complete. Discussion ensued about the impact on the water table. Hatfield also asked where the trucks will enter to haul the materials and it was confirmed that the trucks will travel under the I-35 bridge and would not be using city streets. Hatfield also asked for a copy of what CC Environmental determined as wetlands and it was stated that a copy would be provided for her by the applicant's engineer.

O'Leary asked for additional comments from the committee. Suneson asked how far the pit would be located from I-35 and the committee discussed the site plan to review the project location. Brief discussion ensued regarding whether or not there would be a possibility of scour around the bridge piers in the event of a heavy rain. Sturtz stated the piers are 100 feet deep to prevent scour. Sturtz asked whether ODOT had reviewed the plans and Conaway confirmed that the plans had not been reviewed by ODOT, but that they would have to be submitted to the Department of Mines. Hatfield asked if the area would be excavated 8 feet consistently and the applicant stated that it would be more of a bowl effect. Connors asked how the surface would be restored and the applicant stated they will be leaving it as a pond. Danner asked how large the pond would be and the applicant was unsure. Danner noted that there is a 5 acre maximum pond requirement allowed in the floodplain without City Council approval. O'Leary stated that there two options would be to reduce the pond size to under 5 acres or schedule the item to be approved by City Council.

Motion to approve by Danner subject to City Council approval if the pond is over 5 acres or a new site plan is submitted showing the pond to be under 5 acres and a confirmation from the Army Corps of Engineers that this property is not in a wetlands area. Seconded by Connors. Approved 7-0.

Miscellaneous Discussion:

Miscellaneous discussion among committee.

Meeting adjourned at 4:40 p.m.